



California Fair Political Practices Commission

February 10, 1988

Diane Elan Wick
Nielsen, Merksamer, Hodgson,
Parrinello & Mueller
650 California Street, Suite 2650
San Francisco, CA 94108

RE: Your Request for Advice
Our File No. I-88-033

Dear Ms. Wick:

You have requested advice under the campaign provisions of the Political Reform Act of 1974 (the "Act").^{1/} Because your question was presented in a hypothetical manner, we can not provide formal advice. (Regulation 18329(b)(8)(d).) However, we can provide general guidance to assist you in analyzing the situation.^{2/}

QUESTIONS

1. Does Section 84305(b) apply to a general purpose recipient committee, a sponsored committee, or a committee that is controlled by only one candidate, and does Section 84305(a) apply to a committee that is controlled by more than one candidate?

2. Is it necessary for the name of a sponsored committee to appear on the inserts of a mass mailing sent by the committee as long as the full name of the committee appears on the outside of the envelope?

3. Do envelopes printed for a mass mailing which have the full name and address of the sponsored committee sending the mailing on the back flap and an unrelated name and address in the upper-left corner of the front of the envelope meet with the mass mailing requirements set forth in Section 84305?

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/}Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3), copy enclosed.)

CONCLUSIONS

1. Section 84305(a) relates to all candidates and committees which send a mass mailing. The term "single candidate or committee," as found in Section 84305(b), relates to a candidate or committee which is the only "sender" of a mass mailing.

2. As long as the sponsored committee is the only "sender" of a mass mailing (i.e., the only candidate or committee which pays for the mailing) and the full name of the sponsored committee and its address appear on the outside of the envelope, the name of the sponsored committee need not appear on any insert.

3. As long as the full name of the sponsored committee and its address appear in no less than six-point type on the outside of the envelope, additional information on the envelope is not prohibited.

FACTS

You represent a sponsored committee which is primarily formed to oppose a ballot measure. The committee intends to send a mass mailing, as defined by Section 82041.5, consisting of a fundraising letter by President Gerald Ford on his personal stationery. The full name of the committee and its sponsor will be printed on the outside of the back flap of the envelope. Mr. Ford's name and address will be printed in the upper-left hand corner of the front of the envelope.

ANALYSIS

1. Section 84305(a) outlines the requirements for a mass mailing sent by any candidate, combination of candidates, committee or combination of committees. The name, street address, and city of the candidate(s) or committee(s) must be on the outside of each piece of mail and on at least one insert. This identification must be in no less than 6-point type.

Section 84305(b) eliminates the requirement for identification on an insert for a mass mailing sent by a "single" candidate committee. A mailing is sent by a single candidate or committee if all the costs attributable to the mailing are paid by only one candidate or committee. (Regulation 18435.)

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2. See Analysis #1, Section 84305(b).

3. The Act does not state whether addresses of persons other than the sender can be included on the outside of the envelope of a mass mailing. Therefore, inclusion of Mr. Ford's name and address is not prohibited.

In addition, the Act does not specify where on the outside of the envelope the sponsored committee's name and address must appear, only that it be in no less than 6-point type. The fact that Mr. Ford's name and address will be on the front and the sponsored committee's name and address will be on the back does not violate the mass mailing provisions of the Act.

If you have further questions, please contact me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in black ink, appearing to read "Kevin S. Braaten-Moen", written over the typed name.

By: Kevin S. Braaten-Moen
Political Reform Consultant

Enclosure

LAW OFFICES OF
NIELSEN, MERKSAMER, HODGSON, PARRINELLO & MUELLER
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SACRAMENTO

1030 FIFTEENTH STREET, SUITE 250
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

650 CALIFORNIA STREET, SUITE 2650

SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 989-6800

FILE NUMBER

January 13, 1988

Mr. Kevin Braaten-Moen
Technical Assistance
Fair Political Practices Commission
Post Office Box 807
Sacramento, CA 95804

Dear Kevin:

This letter is to confirm telephone advice by you on this date with reference to Government Code section 84305 and the disclaimers required for mass-mailings.

In distinguishing between subparagraphs (a) and (b) of Government Code section 84305, you stated that subsection (b) applies to a general purpose recipient committee, a sponsored committee, or a controlled committee that is controlled by only one candidate. Subsection (a) applies to a controlled committee that is controlled by more than one candidate.

In applying the above statute, I described the "ABC Committee, sponsored by XYZ," whose purpose is to oppose a ballot measure. I further described the contents of a mailing by that committee that consists of a fundraising letter by President Gerald Ford on his personal stationery. You advised that so long as the full name of the sponsored committee is shown on the outside of the envelope, it is not necessary that the name of the sponsored committee be printed on President Gerald Ford's letterhead (or any other insert that might be enclosed in the envelope).

While I did not request advice on this additional subject on the telephone, we now ask you to confirm that an envelope imprinted with "President Gerald Ford (and his address and city)" in the upper-left hand corner of the front of the envelope and "ABC Committee, sponsored by XYZ (and its address and city)" on the reverse flap of the envelope, constitutes compliance with subsection (b) of Government Code section 84305.

Mr. Kevin Braaten-Moen
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Will you please confirm that the above advice is correct by signing a copy of this letter and returning it to me as soon as possible.

Very truly yours,

A handwritten signature in cursive script that reads "Diane Elan Wick".

Diane Elan Wick

The above advice is acknowledged as correct:

Fair Political Practices Commission

By: _____

Title: _____



California Fair Political Practices Commission

January 15, 1988

Diane Elan Wick
Nielsen, Merksamer, Hodgson,
Parrinello & Mueller
650 California Street, Suite 2605
San Francisco, CA 94108

Re: 88-033

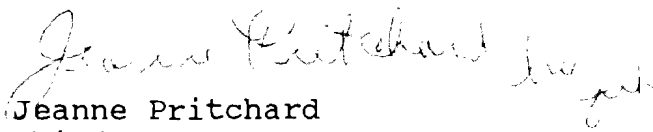
Dear Ms. Wick:

Your letter requesting advice under the Political Reform Act was received on January 14, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,


Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh